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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,051	05/14/2007	Norman West Bellamy	MARK6037	3528

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SUITE 106

PORTOLA VALLEY, CA 94028

EXAMINER

SIMMONS, DAVID A

ART UNIT

PAPER NUMBER

1746

NOTIFICATION DATE

DELIVERY MODE

12/20/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

alan@younglawfirm.com

Office Action Summary

Application No.

10/599,051

Applicant(s)

BELLAMY ET AL.

Examiner

DAVID SIMMONS

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-47 and 49-87 is/are pending in the application.
- 4a) Of the above claim(s) 58-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-47 and 49-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/10</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(1) Claims 44-47 and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Bradenburger patent (USP 5,798,013) as applied in paragraph (1) of the first Office action dated 8/19/2010 in view of the secondary references to Smith (USP 4,415,390), Sherman (USP3,126,306), Keldany et al (USP 4,897,911) or Koster (USP 4,913,758) .

The Bradenburger patent teaches the structure of the claimed embodiments of the invention, but does not disclose that the structural layers are applied by helical winding the strips while "in the pipe" as now claimed.

Each of the secondary references above teach that it is notoriously well known to form a lining by helically winding a strip material by means which apply the windings to the pipeline interior while "in the pipe".

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have formed a liner inside a pipe by helically winding the structural layers as taught by any of the four secondary references using lining materials as configured according to the teachings of Bradenburger in order to simplify the application process by eliminating the steps of winding up of the lining and later using air or water pressure to apply it to the interior of the pipeline.

(2) Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied in paragraph (1) above further in view of Jeong (USP 6,588,456) for reasons substantially as given in paragraph (2) of the first office action.

(3) Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied in paragraph (2) above further in view of Robertson (USP 5,127,260) for reasons substantially as given in paragraph (3) of the first office action.

Response to Amendment

Applicant's response to the rejection of the claims under 35 USC 102(b) was persuasive. However, the claims as amended are not believed patentable under 35 USC 103 over art as now cited and applied above. The feature of arranging and helically winding layers internally of the pipe wherein the lining process is carried out "in the pipe" is a limitation to the claims that is well known as taught by any of the new references now used in the rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID SIMMONS whose telephone number is (571)272-5801. The examiner can normally be reached on Tues. and Thu. 7:15 AM to 5:45PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kat Wyrozebski can be reached on (571)272-1127. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/DAS/
Examiner
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/Jeff Aftergut/
Primary Examiner
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